

Issuance Date: December 31, 2001
Effective Date: August 1, 2003
Expiration Date: June 30, 2006

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA0037541

State of Washington
DEPARTMENT OF ECOLOGY
Olympia, Washington 98504-7600

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.

Longview Energy Development, L.L.C.
19 International Way
Longview, WA 98630

<u>Facility Location:</u> 19 International Way Longview, WA 98630	<u>Receiving Water:</u> Columbia River via Cowlitz Water Pollution Control Plant outfall
<u>Water Body I.D. No.:</u> WA-CR-1010	<u>Discharge Location:</u> <i>Outfall 001:</i> Columbia River, river mile 67.5: Latitude: 46° 5' 40" N, Longitude: 122° 56' 10" W. <i>Outfall 002:</i> Sanitary Sewer to Cowlitz Water Pollution Control Plant <i>Outfall 003:</i> Stormwater Discharge to Longview Ditches
<u>Industry Type:</u> 290 MW Combined Cycle Power Plant	

is authorized to discharge in accordance with the special and general conditions which follow.

Original signed by:
Kelly Susewind, P.E.
Southwest Region Manager
Water Quality Program
Washington State Department of Ecology

TABLE OF CONTENTS

	<u>Page</u>
SUMMARY OF PERMIT REPORT SUBMITTALS	4
SPECIAL CONDITIONS	
S1. DISCHARGE LIMITATIONS	5
A. Process Wastewater Discharges	
1. Reclaimed Water Limits	
2. Well Water Limits	
B. Mixing Zone Description	
C. Municipal Sewer System Discharges	
D. Authorized Stormwater Discharges	
S2. MONITORING REQUIREMENTS	9
A. Monitoring Schedule:	
1. Outfall 001	
2. Outfall 002	
3. Stormwater Outfall	
B. Sampling and Analytical Procedures	
C. Flow Measurement	
D. Laboratory Accreditation	
S3. REPORTING AND RECORDKEEPING REQUIREMENTS	11
A. Reporting	
B. Records Retention	
C. Recording of Results	
D. Additional Monitoring by the Permittee	
E. Noncompliance Notification	
S4. OPERATION AND MAINTENANCE	13
A. Operations and Maintenance Manual	
B. Bypass Procedures	
C. Duty to Mitigate	
S5. SOLID WASTE DISPOSAL	15
A. Solid Waste Handling	
B. Leachate	
C. Solid Waste Control Plan	
S6. NON-ROUTINE AND UNANTICIPATED DISCHARGES	16
S7. SPILL PLAN	17
S8. ACUTE TOXICITY	17
A. Effluent Characterization	
B. Sampling and Reporting Requirements	

S9.	CHRONIC TOXICITY	19
A.	Effluent Characterization	
B.	Sampling and Reporting Requirements	
S10.	STORMWATER POLLUTION PREVENTION PLAN (SWPPP).....	20
A.	Plan Development Deadlines	
B.	General Requirements	
C.	Implementation	
D.	Plan Evaluation	
S11.	HEAT EXCHANGER STUDY	22
GENERAL CONDITIONS		
G1.	SIGNATORY REQUIREMENTS	23
G2.	RIGHT OF INSPECTION AND ENTRY	23
G3.	PERMIT ACTIONS	24
G4.	REPORTING A CAUSE FOR MODIFICATION	25
G5.	PLAN REVIEW REQUIRED	25
G6.	COMPLIANCE WITH OTHER LAWS AND STATUTES	25
G7.	DUTY TO REAPPLY	25
G8.	TRANSFER OF THIS PERMIT	25
G9.	REDUCED PRODUCTION FOR COMPLIANCE.....	26
G10.	REMOVED SUBSTANCES.....	26
G11.	DUTY TO PROVIDE INFORMATION	26
G12.	OTHER REQUIREMENTS OF 40 CFR	26
G13.	ADDITIONAL MONITORING	27
G14.	PAYMENT OF FEES	27
G15.	PENALTIES FOR VIOLATING PERMIT CONDITIONS	27
G16.	UPSET.....	27
G17.	PROPERTY RIGHTS	27
G18.	DUTY TO COMPLY	28
G19.	TOXIC POLLUTANTS	28
G20.	PENALTIES FOR TAMPERING	28
G21.	REPORTING PLANNED CHANGES	28
G22.	REPORTING ANTICIPATED NON-COMPLIANCE	28
G23.	REPORTING OTHER INFORMATION	28
G24.	REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS	29
G25.	COMPLIANCE SCHEDULES.....	29

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report	Monthly	September 15, 2003
S3.E	Noncompliance Notification	As necessary	
S4.A	Operations and Maintenance Manual	Once	February 1, 2004
S4.A	Operations and Maintenance Manual Update or Review Confirmation Letter	Annually	July 1 of each year
S4.B	Reporting Bypasses	As necessary	
S5.C	Solid Waste Control Plan	1/permit cycle	February 1, 2004
S5.C	Modification to Solid Waste Plan	As necessary	
S7.	Spill Plan	1/permit cycle, updates as necessary	February 1, 2004
S8.A	Acute Toxicity Characterization Data	Once/quarter in 2005	Reports to be submitted within 60 days of each sampling.
S8.A	Acute Toxicity Tests Characterization Summary Report	1/permit cycle	December 31, 2005
S9.A	Chronic Toxicity Characterization Data	With first & third acute testing in 2005	Reports to be submitted within 60 days of each sampling.
S9.A	Chronic Toxicity Tests Characterization Summary Report	1/permit cycle	December 31, 2005
S10	Stormwater Pollution Prevention Plan	1/permit cycle	August 1, 2004
S10	Stormwater Pollution Prevention Plan Modifications	As necessary	
S10	Notification of Unpermitted non-stormwater to <i>Stormwater Drainage System</i>	As necessary	
S11	Heat Exchanger Study	1/permit cycle	March 1, 2004
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Application for Permit Renewal	1/permit cycle	December 31, 2005
G8	Notice of Permit Transfer	As necessary	
G21	Notice of Planned Changes	As necessary	
G22.	Reporting Anticipated Non-compliance	As necessary	

SPECIAL CONDITIONS

S1. DISCHARGE LIMITATIONS

A. Process Wastewater Discharges – Outfall #001

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit shall constitute a violation of the terms and conditions of this permit.

Beginning on the effective date of this permit and lasting through the expiration date, the Permittee is authorized to discharge cooling tower blowdown, including low volume wastestreams, at the permitted location subject to complying with the following limitations. The first set of limits (A.1.) apply when only reclaimed water is used. The second set of limits (A.2.) apply when any amount of well water is used for cooling tower makeup water.

1. Reclaimed Water Limits

RECLAIMED WATER	EFFLUENT LIMITATIONS: OUTFALL # 001	
Parameter	Average Monthly ^a	Maximum Daily ^b
pH ^c	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Total Suspended Solids, mg/L	30	100
Oil and Grease, mg/L	15	20
Temperature, °F.	N/A	85
Chlorine, total residual, mg/L	0.05	0.12
Ammonia as N, mg/L	16	36.1
Chromium, mg/L ^g	0.2	0.2
Zinc, mg/L ^g	1.0	1.0
Copper, pounds/day ^{d,g}	0.17	0.25
Mercury, pounds/day ^{d,g}	0.0032	0.0048
Lead, pounds/day ^{d,g}	0.048	0.069
Silver, pounds/day ^{d,g}	0.032	0.045
126 Priority Pollutants	N/A	No detectable amount ^e
Polychlorinated biphenyl compounds (PCB's)	N/A	Discharge Prohibited ^f

^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. If only one sample is taken during the calendar month, the maximum daily effluent limitation applies to that sample.
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.
^c Indicates the range of permitted values.
^d When sample measurements for compliance with mass-based limits fall below the MDL, the average loading shall be calculated using a concentration value of zero. When sample measurements for compliance with mass-based limits fall above the MDL, the average loading shall be calculated using the measured concentration.
^e Compliance with these limits may be demonstrated by non-detection using the following procedures: Base/Neutral/Acids- EPA Method 625; Pesticides- EPA Method 608; Volatile compounds- EPA Method 624; Cyanide- EPA Method 335.2; Metals (except mercury)- GFAA detector method; Mercury- EPA Method 245.1 or 245.2, cold vapor; and Dioxin- EPA Method 1613. If an analyte is detected, LED may also demonstrate compliance by comparing influent mass to effluent mass, to document that the detected pollutant(s) were not added by LED.
^f Compliance will be demonstrated if PCB's are not detected using EPA Method 608 or equivalent method. If PCB's are detected, LED may also demonstrate compliance by comparing influent mass to effluent mass, to document that the detected pollutant(s) were not added by LED.
^g If the limit is exceeded, LED may also show compliance for these parameters by one of the following methods, if applicable: 1. If LED can show that the effluent mass is no greater than the influent mass (via "Simultaneous Sampling" protocol listed under Monitoring Section), then LED will be considered to be in compliance for that parameter. 2. If a limit for metals is exceeded and LED can show that it was due to water use in excess of 1.85 MGD, and that LED did not add any of the mass (via "Simultaneous Sampling" protocol listed under Monitoring Section), then LED will be in compliance for that parameter.

2. Well Water Limits

WELL WATER	EFFLUENT LIMITATIONS: OUTFALL # 001	
Parameter	Average Monthly ^a	Maximum Daily ^b
pH ^c	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.	
Total Suspended Solids, mg/L	30	100
Oil and Grease, mg/L	15	20
Temperature, °F.	N/A	68 ^f
Chlorine, total residual, mg/L	0.05	0.12
Ammonia as N, mg/L	15.8	36.1

WELL WATER	EFFLUENT LIMITATIONS: OUTFALL # 001	
Parameter	Average Monthly^a	Maximum Daily^b
Chromium, mg/L	0.2	0.2
Zinc, mg/L	1.0	1.0
Copper, µg/L	17.7	25.9
Mercury, µg/L	0.37	0.54
Lead, µg/L	14.3	20.9
Silver, µg/L	2.1	3.0
126 Priority Pollutants	N/A	No detectable amount ^d
Polychlorinated biphenyl compounds (PCB's)	N/A	No detectable amount ^e
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month. If only one sample is taken during the calendar month, the maximum daily effluent limitation applies to that sample.		
^b The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For other units of measurement, the daily discharge is the average measurement of the pollutant over the day.		
^c Indicates the range of permitted values.		
^d Compliance with these limits may be demonstrated by non-detection using the following procedures: Base/Neutral/Acids- EPA Method 625; Pesticides- EPA Method 608; Volatile compounds- EPA Method 624; Cyanide- EPA Method 335.2; Metals (except mercury)- GFAA detector method; Mercury- EPA Method 245.1 or 245.2, cold vapor; and Dioxin- EPA Method 1613. If an analyte is detected, LED may also demonstrate compliance by comparing influent mass to effluent mass, to document that the detected pollutant(s) were not added by LED.		
^e Compliance will be demonstrated if PCB's are not detected using EPA Method 608 or equivalent method. If PCB's are detected, LED may also demonstrate compliance by comparing influent mass to effluent mass, to document that the detected pollutant(s) were not added by LED.		
^f LED must cool the effluent to 68° F when 100% well water is used as the cooling water source.		

B. Mixing Zone Description

The maximum size of the chronic mixing zone for Outfall 001 is 235 feet beyond the upstream diffuser port in the upstream direction and 235 feet beyond the downstream diffuser port in the downstream direction. The width of the chronic mixing zone shall not exceed 25 percent of the width of the Columbia River.

The acute mixing zone boundaries are ten percent of the chronic mixing zone boundaries or 23.5 feet upstream and downstream of the outboard diffuser ports and not to exceed 2.5 percent of the river width.

The model derived dilution factors for Outfall 001 are shown in the following table:

	Acute	Chronic
Reclaimed Water Source	6.4	21.7
Groundwater Well Source	6.3	20.6

C. Municipal Sewer System Discharges – Outfall #002

During the period beginning on the effective date and lasting through the expiration date of this permit, the Permittee is authorized to discharge solids residuals from the reclaimed water treatment plant, and miscellaneous low volume wastewater to the CWPC sewer system subject to the following limitations:

	EFFLUENT LIMITATIONS: OUTFALL #002
Parameter	Maximum Daily
pH	Daily minimum is equal to or greater than 6 and the daily maximum is less than or equal to 9.

D. Authorized Stormwater Discharges – Outfall #003

Beginning on the effective date of this permit and lasting through its expiration date, the Permittee is authorized to discharge treated stormwater to the Longview ditch system, which are waters of the state, subject to the monitoring requirements in S2.A.3.

S2. MONITORING REQUIREMENTS

A. Monitoring Schedule:

1. Outfall 001:

Category	Parameter	Units	Minimum Sampling Frequency	Sample Type
Cooling Tower Blowdown	Flow	MGD	Continuous ^a	Totalizing flow meter & Recorder
“	pH	Standard Units	1/week	Grab
“	TSS	mg/L	1/week	24-hour composite
“	Oil & Grease	mg/L	Daily	Grab
“	Temperature	°F.	Continuous	Meter & Recorder
“	Chlorine	mg/L	1/week	Grab
“	Ammonia as N	mg/L	1/month	Grab
“	Metals in S1.A.	µg/L	1/month	24-hour composite
“	Priority Pollutants	µg/L	1/quarter ^b	24-hour composite
“	PCB's	µg/L	1/year	24-hour composite
“	Acute Toxicity Testing	LC ₅₀ & % survival	1/quarter ^c	24-hour composite
“	Chronic Toxicity Testing	ACEC compared to control	2/year ^d	24-hour composite

^a Continuous means uninterrupted - except for brief lengths of time for calibration, power failure, or for unanticipated equipment repair or maintenance.

^b The monitoring frequency for priority pollutants may be reduced to once per year after the first year (four quarters) of monitoring is completed. The Department must give written approval for the reduced monitoring frequency.

^c See Special Condition S8.

^d See Special Condition S9.

2. Outfall 002:

Category	Parameter	Units	Minimum Sampling Frequency	Sample Type
Process wastewater to sewer	Flow	gpd	Continuous	Totalizing flow meter
“	pH	Standard Units	1/week	Grab
“	BOD ₅	mg/L	1/week	24 hour composite
“	TSS	mg/L	1/week	24 hour composite

3. Stormwater Outfall #003:

Category	Parameter	Units	Minimum Sampling Frequency	Sample Type
Stormwater	pH	Standard Units	1/quarter	Grab
“	Turbidity	NTU	1/quarter	Grab
“	Zinc	µg/L	1/quarter	Grab

B. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling locations shall be as follows: Outfall 001: cooling tower blowdown, after all additions and treatment, prior to combining with CWPC effluent; Outfall 002: process residuals and miscellaneous waste streams prior to combining with sanitary waste; Outfall 003: stormwater, after all onsite treatment, and prior to commingling with any other stormwater.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

To determine a valid comparison of influent mass with effluent mass, LED must collect and analyze 24-hour composite samples of both reclaimed water plant influent and cooling tower blowdown (effluent). The effluent sample must allow for the time delay between the influent and effluent sampling points. Total flow for each sample must be recorded. LED must document the calculation of this residence time and the offset sampling schedule to accomplish the simultaneous sampling, and provide this information at the Department's request.

C. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

D. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. The Department exempts crops, soils, and hazardous waste data from this requirement pending accreditation of laboratories for analysis of these media.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted monthly. Monitoring data obtained during each monitoring period shall be summarized, reported, and submitted on a Discharge Monitoring Report (DMR) form provided, or otherwise approved, by the Department. DMR forms shall be submitted no later than the 15th day of the month following the completed monitoring period, unless otherwise specified in this permit. Priority pollutant analysis data shall be submitted no later than forty-five (45) days following the monitoring period. Unless otherwise specified, all toxicity test data shall be submitted within 60 days after the sample date. The report(s) shall be sent to: Department of Ecology, SWRO Water Quality Permit Coordinator, P.O. Box 47775, Olympia, Washington 98504-7775.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name,

CAS number, analytical method/ number, method detection limit (MDL), laboratory practical quantitation limit (PQL), reporting units, and concentration detected.

Discharge Monitoring Report (DMR) forms must be submitted monthly whether or not the facility was discharging. If there was no discharge during a given month, submit the form as required with the words "no discharge" entered in place of the monitoring results. If only reclaimed water was used during the month, submit the well water portion of the DMR with the words "no well water used" entered in place of the monitoring results. If well water is used a portion of the month, then submit the information appropriate to both respective forms.

Quarterly monitoring of stormwater is required under this permit. The permittee must report their monitoring for each quarter. If there is no discharge during the entire quarter, the permittee must submit a report stating that no discharge occurred. The quarters are defined as:

First Quarter:	January, February, March
Second Quarter:	April, May, June
Third Quarter:	July, August, September
Fourth Quarter:	October, November, December

Stormwater must be sampled according to the instructions below. Sampling of stormwater will be conducted as follows:

1. All samples will be grab samples taken within the first hour of discharge.
2. The storm event sampled must be at least 0.1 inches of rain in a 24-hour period
3. The storm event sampled must be preceded by at least 72-hours of no discharge, unless less than 72-hour interval is typical of storm events during the sampling period.
4. Samples must be representative of discharge. Each distinct point of discharge offsite must be sampled and analyzed separately if activities and site conditions that may pollute the stormwater are likely to result in discharges that will significantly vary in the quantity or type of pollutants.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three (3) years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling or measurement; (2) the individual who performed the sampling or measurement; (3) the dates the analyses

were performed; (4) the individual who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the terms and conditions of this permit due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance, correct the problem and, if applicable, repeat sampling and analysis of any noncompliance immediately and submit the results to the Department within thirty (30) days after becoming aware of the violation.
2. Immediately notify the Department of the failure to comply.
3. Submit a detailed written report to the Department within thirty (30) days (five [5] days for upsets and bypasses), unless requested earlier by the Department. The report shall contain a description of the noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

A. Operations and Maintenance Manual

An Operations and Maintenance (O&M) Manual shall be prepared by the Permittee in accordance with WAC 173-240-150 and be submitted to the Department for approval by February 1, 2004. The O&M Manual shall be reviewed by the Permittee at least annually and the Permittee shall confirm this review by letter to the Department. Substantial changes or updates to the O&M Manual shall be submitted to the Department whenever they are incorporated into the manual.

The approved Operations and Maintenance Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this manual.

The O&M Manual shall include the required elements of WAC 173-240-150, as are applicable to this facility.

B. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and the Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, or 3) is applicable.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health as determined by the Department prior to the bypass. The Permittee shall submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

This bypass is permitted only if:

- a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- b. There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.
- c. The Department is properly notified of the bypass as required in condition S3E of this permit.

3. Bypass which is Anticipated and has the Potential to Result in Noncompliance of this Permit.

The Permittee shall notify the Department at least thirty (30) days before the planned date of bypass. The notice shall contain (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate,

reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type bypass:

- a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by the Department under RCW 90.48.120.

C. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S5. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit a solid waste control plan to the Department no later than February 1, 2004. This plan shall include all solid wastes with the exception of those solid wastes regulated by Chapter 173-303 WAC (Dangerous Waste Regulations). The plan shall include at a minimum a description, source, generation rate, and disposal methods of these solid wastes. This plan shall not be at variance with any approved local solid waste management plan. Any proposed revision or modification of the solid waste handling plan must be submitted to the Department. The Permittee shall comply with the plan and any modifications thereof. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal 180 days prior to the expiration date of the permit.

S6. NON-ROUTINE AND UNANTICIPATED DISCHARGES

A. Beginning on the effective date of this permit, the Permittee may discharge non-routine wastewater on a case-by-case basis if approved by the Department. Prior to any such discharge, the Permittee shall contact the Department and **at a minimum** provide the following information:

1. The nature of the activity that is generating the discharge.
2. Any alternatives to the discharge, such as reuse, storage, or recycling of the water.
3. The total volume of water expected to be discharged.
4. The results of the chemical analysis of the water. The water shall be analyzed for all constituents limited for the Permittee's discharge. The analysis shall also include hardness, any metals that are limited by water quality standards, and any other parameter deemed necessary by the Department. All discharges must comply with the effluent limitations as established in Condition S1. of this permit, water quality standards, sediment management standards, and any other limitations imposed by the Department.
5. The date of proposed discharge and the rate at which the water will be discharged, in gallons per minute. The discharge rate shall be limited to that which will not cause erosion of ditches or structural damage to culverts and their entrances or exits.
6. If the proposed discharge is to a municipal storm drain and is approved by the Department, the Permittee shall notify the municipality of the discharge.

- B. The discharge cannot proceed until the Department has reviewed the information provided and has authorized the discharge. Authorization from the Department will be by letter to the Permittee or by an Administrative Order.

S7. SPILL PLAN

Within 180 days after the effective date of the permit, the Permittee shall submit to the Department a spill control plan for the prevention, containment, and control of spills or unplanned discharges of: 1) oil and petroleum products, 2) materials, which when spilled, or otherwise released into the environment, are designated Dangerous (DW) or Extremely Hazardous Waste (EHW) by the procedures set forth in WAC 173-303-070, or 3) other materials which may become pollutants or cause pollution upon reaching state's waters. The Permittee shall review and update the Spill Plan, as needed, at least annually. Changes to the plan shall be sent to the Department. The plan and any supplements shall be followed throughout the term of the permit.

The updated spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
- A list of all oil and chemicals used, processed, or stored at the facility which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals, or portions thereof, required by 33 CFR 154, 40 CFR 109, 40 CFR 110, 40 CFR Part 112, the Federal Oil Pollution Act of 1990, Chapter 173-181, and contingency plans required by Chapter 173-303 WAC may be submitted.

S8. ACUTE TOXICITY

A. Effluent Characterization

The Permittee shall conduct acute toxicity testing on the final effluent to determine the presence and amount of acute (lethal) toxicity. The two acute toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent characterization for acute toxicity shall be conducted quarterly for one year. Acute toxicity testing shall follow protocols, monitoring requirements, and quality assurance/quality control procedures specified in this section. A dilution series consisting of a minimum of five concentrations and a control shall be used to estimate the concentration lethal to 50 percent of the organisms (LC₅₀). The percent survival in 100 percent effluent shall also be reported.

Testing shall begin in the first quarter of calendar year 2005.

Acute toxicity tests shall be conducted with the following species and protocols:

1. Fathead minnow, *Pimephales promelas* (96-hour static-renewal test, method: EPA/600/4-90/027F).

2. *Ceriodaphnia dubia*, *Daphnia pulex*, or *Daphnia magna* (48-hour static test, method: EPA/600/4-90/027F). The Permittee shall choose one of the three species and use it consistently throughout effluent characterization.

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication # WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.
2. Testing shall be conducted on 24-hour composite effluent samples. Composite samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be below 8° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4° C in the dark from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC, which equals 16 percent effluent.

8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing and do not comply with the acute statistical power standard of 29 percent as defined in WAC 173-205-020 must be repeated on a fresh sample with an increased number of replicates to increase the power.

S9. CHRONIC TOXICITY

A. Effluent Characterization

The Permittee shall conduct chronic toxicity testing on the final effluent. The two chronic toxicity tests listed below shall be conducted on each sample taken for effluent characterization.

Effluent testing for chronic toxicity shall be conducted biannually for one year in calendar year 2005. The Permittee shall conduct chronic toxicity testing during effluent characterization on a series of at least five concentrations of effluent in order to determine appropriate point estimates. This series of dilutions shall include the ACEC. The Permittee shall compare the ACEC to the control using hypothesis testing at the 0.05 level of significance as described in Appendix H, EPA/600/4-89/001.

Chronic toxicity tests shall be conducted with the following two species and the most recent version of the following protocols:

Freshwater Chronic Toxicity Test Species		Method
Fathead minnow	<i>Pimephales promelas</i>	EPA/600/4-91/002
Water flea	<i>Ceriodaphnia dubia</i>	EPA/600/4-91/002

B. Sampling and Reporting Requirements

1. All reports for effluent characterization or compliance monitoring shall be submitted in accordance with the most recent version of Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* in regards to format and content. Reports shall contain bench sheets and reference toxicant results for test methods. If the lab provides the toxicity test data on floppy disk for electronic entry into the Department's database, then the Permittee shall send the disk to the Department along with the test report, bench sheets, and reference toxicant results.

2. Testing shall be conducted on 24-hour composite effluent samples. Composite samples taken for toxicity testing shall be cooled to 4 degrees Celsius while being collected and shall be sent to the lab immediately upon completion. Grab samples must be shipped on ice to the lab immediately upon collection. If a grab sample is received at the testing lab within one hour after collection, it must have a temperature below 20° C at receipt. If a grab sample is received at the testing lab within 4 hours after collection, it must be below 12° C at receipt. All other samples must be below 8° C at receipt. The lab shall begin the toxicity testing as soon as possible but no later than 36 hours after sampling was ended. The lab shall store all samples at 4° C in the dark from receipt until completion of the test.
3. All samples and test solutions for toxicity testing shall have water quality measurements as specified in Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria* or most recent version thereof.
4. All toxicity tests shall meet quality assurance criteria and test conditions in the most recent versions of the EPA manual listed in subsection A. and the Department of Ecology Publication #WQ-R-95-80, *Laboratory Guidance and Whole Effluent Toxicity Test Review Criteria*. If test results are determined to be invalid or anomalous by the Department, testing shall be repeated with freshly collected effluent.
5. Control water and dilution water shall be laboratory water meeting the requirements of the EPA manual listed in subsection A or pristine natural water of sufficient quality for good control performance.
6. The whole effluent toxicity tests shall be run on an unmodified sample of final effluent.
7. The Permittee may choose to conduct a full dilution series test during compliance monitoring in order to determine dose response. In this case, the series must have a minimum of five effluent concentrations and a control. The series of concentrations must include the ACEC and the CCEC (16 and 5 percent effluent, respectively).
8. All whole effluent toxicity tests, effluent screening tests, and rapid screening tests that involve hypothesis testing, and do not comply with the chronic statistical power standard of 39 percent as defined in WAC 173-205-020, must be repeated on a fresh sample with an increased number of replicates to increase the power.

S10. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

The definitions of terms used in this section are provided in the guidance document entitled *Stormwater Pollution Prevention Planning for Industrial Facilities*, which is published by the Department of Ecology.

A. Plan Development Deadlines

The Permittee shall implement all the elements of the SWPPP including operational, treatment and source control BMPs, as well as erosion and sediment control BMPs determined necessary.

The guidance for development of an SWPPP is available from the Permit Coordinator, Southwest Regional Office.

B. General Requirements

1. Submission, Retention, and Availability:

The Permittee shall submit a copy of the SWPPP to the Department by August 1, 2003, for review and comment. If stormwater discharge is to a municipal storm sewer system, submit a copy of the SWPPP to the municipal operator of the storm sewer system. Retain the SWPPP on-site or within reasonable access to the site.

2. Modifications:

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling the pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) months of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

3. The Permittee may incorporate applicable portions of plans prepared for other purposes. Plans or portions of plans incorporated into an SWPPP become enforceable requirements of this permit.

4. The Permittee shall prepare the SWPPP in accordance with the guidance provided in the *Stormwater Pollution Prevention Planning for Industrial Facilities*. The plan shall contain the following elements:

- a. Assessment and description of existing and potential pollutant sources.
- b. A description of the operational BMPs.
- c. A description of selected source-control BMPs.
- d. When necessary, a description of the erosion and sediment control BMPs.
- e. When necessary, a description of the treatment BMPs.
- f. An implementation schedule.

C. Implementation

The Permittee shall conduct two inspections per year - one during the wet season (October 1 – April 30) and the other during the dry season (May 1 – September 30).

1. The wet season inspection shall be conducted during a rainfall event by personnel named in the Stormwater Pollution Prevention Plan (SWPPP) to verify that the description of potential pollutant sources required under this permit are accurate; the site map as required in the SWPPP has been updated or otherwise modified to reflect current conditions; and the controls to reduce pollutants in stormwater discharges associated with industrial activity identified in the SWPPP are being implemented and are adequate. The wet weather inspection shall include observations of the presence of floating materials, suspended solids, oil and grease, discolorations, turbidity, odor, etc. in the stormwater discharge(s).
2. Personnel named in the SWPPP shall conduct the dry season inspection. The dry season inspection shall determine the presence of unpermitted non-stormwater discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including *leachate*) to the *stormwater drainage system*. If an unpermitted, non-stormwater discharge is discovered, the Permittee shall immediately notify the Department.

D. Plan Evaluation

The Permittee shall evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly implemented in accordance with the terms of the permit or whether additional controls are needed. A record shall be maintained summarizing the results of inspections and include a certification, in accordance with Condition S3.I, that the facility is in compliance with the plan and in compliance with this permit. The record shall identify any incidents of noncompliance.

S11. HEAT EXCHANGER STUDY

With the first six months of operation, LED shall conduct and submit a study that analyzes and evaluates the ability of the heat exchanger to reduce the temperature of the cooling tower blowdown over the full range of possible flowrates, from 0 to 100 percent of groundwater, in increments of 10 percent. The actual performance should be compared to the designed assumptions.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

- A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
- B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - 1. The authorization is made in writing by a person described above and submitted to the Department.
 - 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
- C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.
- D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G2. RIGHT OF INSPECTION AND ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

- A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.

- B. To have access to and copy - at reasonable times and at reasonable cost - any records required to be kept under the terms and conditions of this permit.
- C. To inspect - at reasonable times - any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
- D. To sample or monitor - at reasonable times - any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

G3. PERMIT ACTIONS

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon the Department's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

- A. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
 - 1. Violation of any permit term or condition.
 - 2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.
 - 3. A material change in quantity or type of waste disposal.
 - 4. A determination that the permitted activity endangers human health or the environment or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination [40 CFR part 122.64(3)].
 - 5. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit [40 CFR part 122.64(4)].
 - 6. Nonpayment of fees assessed pursuant to RCW 90.48.465.
 - 7. Failure or refusal of the permittee to allow entry as required in RCW 90.48.090.
- B. The following are causes for modification but not revocation and reissuance except when the permittee requests or agrees:
 - 1. A material change in the condition of the waters of the state.
 - 2. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
 - 3. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
 - 4. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.

5. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR part 122.62.
 6. The Department has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
 7. Incorporation of an approved local pretreatment program into a municipality's permit.
- C. The following are causes for modification or alternatively revocation and reissuance:
1. Cause exists for termination for reasons listed in A1 through A7, of this section, and the Department determines that modification or revocation and reissuance is appropriate.
 2. The Department has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G8) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new permittee.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports whenever a material change to the facility or in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least sixty (60) days prior to any proposed changes. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications shall be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee shall apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. TRANSFER OF THIS PERMIT

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, a copy of which shall be forwarded to the Department.

A. Transfers by Modification

Except as provided in paragraph B below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

B. Automatic Transfers

This permit may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.
2. The notice includes a written agreement between the existing and new Permittee's containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under the subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. DUTY TO PROVIDE INFORMATION

The Permittee shall submit to the Department, within a reasonable time, all information which the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee shall also submit to the Department upon request, copies of records required to be kept by this permit [40 CFR 122.41(h)].

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department.

G15. ENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be deemed to be a separate and distinct violation.

G16. UPSET

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that: 1) an upset occurred and that the Permittee can identify the cause(s) of the upset; 2) the permitted facility was being properly operated at the time of the upset; 3) the Permittee submitted notice of the upset as required in condition S3.E; and 4) the Permittee complied with any remedial measures required under S5 of this permit.

In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof.

G17. PROPERTY RIGHTS

This permit does not convey any property rights of any sort, or any exclusive privilege.

G18. DUTY TO COMPLY

The Permittee shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.

G19. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G20. PENALTIES FOR TAMPERING

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this Condition, punishment shall be a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

G21. REPORTING PLANNED CHANGES

The Permittee shall, as soon as possible, give notice to the Department of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in: 1) the permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b); 2) a significant change in the nature or an increase in quantity of pollutants discharged; or 3) a significant change in the Permittee's sludge use or disposal practices. Following such notice, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

G22. REPORTING ANTICIPATED NON-COMPLIANCE

The Permittee shall give advance notice to the Department by submission of a new application or supplement thereto at least one hundred and eighty (180) days prior to commencement of such discharges, of any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility or activity which may result in noncompliance with permit limits or conditions. Any maintenance of facilities, which might necessitate unavoidable interruption of operation and degradation of effluent quality, shall be scheduled during non-critical water quality periods and carried out in a manner approved by the Department.

G23. REPORTING OTHER INFORMATION

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Department, it shall promptly submit such facts or information.

G24. REPORTING REQUIREMENTS APPLICABLE TO EXISTING MANUFACTURING, COMMERCIAL, MINING, AND SILVICULTURAL DISCHARGERS

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify the Department as soon as they know or have reason to believe:

- A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
 - 1. One hundred micrograms per liter (100 µg/l).
 - 2. Two hundred micrograms per liter (200 µg/l) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/l) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/l) for antimony.
 - 3. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).
- B. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following “notification levels:”
 - 1. Five hundred micrograms per liter (500µg/L).
 - 2. One milligram per liter (1 mg/L) for antimony.
 - 3. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
 - 4. The level established by the Director in accordance with 40 CFR 122.44(f).

G25. COMPLIANCE SCHEDULES

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than fourteen (14) days following each schedule date.